

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
Immediately Following the
Frisco Square Management District
Board of Directors Meeting**

June 18, 2002

MINUTES

1. Call to Order

Mayor Simpson called the meeting to order at 6:40 p.m. immediately following the Frisco Square Management District meeting and announced a quorum was present.

Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member West, Council member Allen and Council member Lafata.

Staff present were: City Manager George Purefoy, Acting Assistant City Manager Jason Gray, Assistant Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Julie Fort and City Secretary Nan Parker.

2. Invocation.

Pastor Phillip Locstead offered the invocation.

3. Pledge of Allegiance.

Brian Stroud, Frisco High School Student, led the audience in the Pledge of Allegiance.

4. Citizen Input

Fred Pascarelli was present to address the council asking for the City Council's support for the Frisco citizens that reside within the City who live in Lewisville ISD. Mr. Pascarelli stated that many of the residents who have children that attend Lewisville ISD are beginning to send their children to private schools. He also stated that realtors were telling individuals not to purchase homes in this area because the homes are not located within Frisco ISD.

Buster James was present to address the Council regarding the FISD allowing day care for “teacher retention”. Mr. James questioned why he and other owner’s of day care centers had to get a Specific Use Permit when the city as not requiring the same of the school district?

Discussion only, no formal action was taken.

5. Reports.

a. Departmental Reports

Mayor Pro-Tem Reveal asked about the parked cars along SH 121. Police Chief Todd Renshaw informed the Council that the property where the cars where being parked belongs to TxDot. Discussion only, no formal action was taken.

b. Presentation of the Recommended 2002 Bond Election

City Manager George Purefoy presented the City Council with the recommendations from the Citizens Bond Committee. There was discussion regarding additional meetings to finalize the recommendations/proposals and to conduct public hearings on the same.

Discussion only, no formal action was taken.

c. Response to Richard Caplan’s Comments from Previous Meeting

Mayor Simpson responded to concerns and comments made by Richard Caplan at a previous meeting. The response was regarding public information request and financial position (stability) of the City.

Discussion only, no formal action was taken.

6. Consent Agenda

The consent agenda was considered for approval. Deputy Mayor Pro-Tem Maso moved that Item A be pulled for separate discussion. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Council member Lafata moved to approve the consent agenda, excluding item A.

Council member West seconded the motion. Motion carried. Vote: unanimous.

A. Approval the minutes of the June 4, 2002 Regular City Council Meeting.

Deputy Mayor Pro-Tem Maso moved to **table** the minutes of the June 4, 2002 Regular City Council Meeting due to the lack of imaging on the council's discs. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- B. Adoption of **Resolution 02-06-96R** calling Public Hearings for the voluntary annexation of 14.2 acres known as Meadowcreek, Phase II, Case A2002-24. (City Secretary)
- C. Approval of payment of fiscal year 2002-2nd quarter Section 380 sales tax grant to General Growth Properties for the Stonebriar Centre. (City Manager/KH)
- D. Approval of payment of fiscal year 2002-2nd quarter Section 380 sales tax grant to Briar Preston Ridge Shopping Center for the Center at Preston Ridge. (City Manager/KH)
- E. Approval of payment of Invoice Number 16 in the amount of \$2,557.64 to Architects Phelps/Wood for contract administration cost associated with the construction of Fire Station 4. (Fire Department)
- F. Approval to purchase one 2002 Ford F-150 Regular Cab Pick-Up Truck in the amount of \$16,408.40, one 2002 Ford Expedition in the amount of \$26,818.40 and \$600 in HGAC administrative fees to Philpott Motor Company through the Houston-Galveston Area Council of Governments. (Fire Department)
- G. Approval of Payment Number 1 for Project CV01-0015 for the Legacy PRV in the amount of \$21,718.00 to R-Con, Inc. (Development Services)
- H. Approval of Payment Number 2 for Project CV01-0015 for the Legacy PRV in the amount of \$30,067.50 to R-Con, Inc. (Development Services)
- I. Approval of Payment Number 10 for Project CV-0356 for Rolater Road, Phase 5 in the amount of \$61,925.75 to Tiseo Paving Company. (Development Services)
- J. Approval of Payment Number 11 for Project CV-0389 for Frisco Square, Phase 1 in the amount of \$368,921.18 to Mario Sinacola and Sons. (Development Services)

- K. Approval of Payment Number 4 for Project CV-0188 for Eldorado Parkway, Extension to 2934 in the amount of \$52,933.00 to Frisco Industrial Partners, Ltd. (Development Services)
- L. Approval of Change Order 1 for Project Number 0103-005 for Eldorado Parkway SH 289 to Hillcrest Road for Grading and Paving Wade Boulevard West of Preston Road in the amount of \$97,603.70 to Site Concrete, Inc. (Development Services)
- M. Approval of Change Order 1 for Project Number 0701-011 for Lebanon/Legacy PRV for Moving PRV Location from Legacy and Lebanon Road to Starwood Drive and Lebanon Road in the amount of \$12,350.00 to R-Con, Inc. (Development Services)
- N. Approval of Payment Number 1 for Project CV02-0022 for Frisco Square, Phase 2 in the amount of \$2,349.00 to QTE Group, Inc. (Development Services)
- O. Adoption of **Resolution 02-06-07R** authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and HNTB Corporation, Inc. for the preparation of construction drawings for the reconstruction of Azalea, Maple, and Mimosa Streets. (Development Services)
- P. Adoption of Resolution **02-06-08R** authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and Weir Associates for the preparation of construction drawings for the reconstruction of selected old town streets. (Development Services)
- Q. Approval of Payment Number 1 for Project CV-0364 for Eldorado Elevated Water Tower (2.5 MG) in the amount of \$184,328.50. (Development Services)
- R. Approval of Advance #8 for Development of the Improvements for Frisco Sports Complex in the amount of \$2,299,831.78 to H. C. Beck, Ltd. (City Manager/SY)
- S. Approval of payment for Downtown Architectural Design Standards Task 2.19 and 3.1. in the amount of \$12,900.00 to RTKL Associates Inc. (Planning Department)
- T. Approval of payment to Mario Sinacola and Sons in the amount of \$1,705,533.26 for Frisco Square for the construction of the offsite drainage and offsite sewer. (City Manager/SY)

- U. Approval of payment to EDAW, Inc. in the amount of \$7,722.66 for Professional Services from March 23, 2002 to April 19, 2002 for Frisco Square Management District. (City Manager/SY)

END OF CONSENT AGENDA

7. LEGISLATIVE AGENDA

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to removed Items B. and C for separate discussion. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous. Council member Lafata moved to remove Item F. for separate discussion. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous. Mayor Pro-Tem Reveal moved to approve the Legislative Agenda, excluding Items B., C., and F. Council member West seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of Preliminary Site Plan: North Crossing, A retail center on 32.0± acres located on the southeast corner of U.S. 380 and future Dallas Parkway (North Dallas Tollway). Zoned Highway. Neighborhood #53. Tabled 3/26/02 and 4/23/02. Applicant(s): Rex Real Estate, L.P. and Callaway Architects. (Planning Dept.)

B. Adoption of Ordinance No. 02-06-72 amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land from Agricultural (A) to Retail (R). Boyd Addition Z2002-0004 (Planning Dept.)

Council member Lafata moved to adopt **Ordinance No. 02-06-72** therein amending the Comprehensive Zoning Ordinance No. 00-11-01; rezoning 9.63 acres, more or less from Agricultural to Retail. Council member Allen seconded the motion. Motion carried. Voting for: Council member Lafata, Council member Allen, Deputy Mayor Pro-Tem Maso and Council member West. Voting against: Council member Nichols and Mayor Pro-Tem Reveal. Vote: 4-2.

C. Adoption of Ordinance No. 02-06-73 of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article II (Permitted Uses and Definitions) deleting requirement of 300' setback from Day Care Centers ZA2001-0016 (Planning Dept.)

Council member Lafata moved to adopt **Ordinance No. 02-06-73**. Council member Allen seconded the motion. Motion carried. Voting for: Council member Lafata, Council member Allen, Deputy Mayor

Pro-Tem Maso and Council member West. Voting against: Council member Nichols and Mayor Pro-Tem Reveal. Vote: 4-2.

- D. Adoption of **Ordinance No. 02-06-74** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land from Planned Development-125-Single Family (PD-125-SF) to Planned Development-Commercial-1 (PD-C-1) PD-125. Z2000-001 (Planning Dept.)
- E. Adoption of **Ordinance No. 02-06-75** therein amending a portion of the Frisco Millennium Plan ("Comprehensive Plan") Ordinance No. 00-04-07 by changing the land use designation of the northwest corner of Frisco Street and Eldorado Parkway from Single Family Residential to Multifamily and changing the land use designation of the northeast corner of FM 423 and Panther Creek Parkway from Multifamily to Retail. CA2002-0001. (Planning Dept.)
- F. **Adoption of Resolution 02-06-98R ratifying the purchase of 5.240 acres of land out of the Norris Austin Survey, Abstract No. 5 from the WFW Partners, LP by the City of Frisco and authorization for the City Manager to execute documents pertinent to the purchase. (City Manager)**

Council member Lafata moved to adopt **Resolution 02-06-98R** subject to the inclusion of field notes. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

END OF LEGISLATIVE AGENDA

Regular Agenda

8. Consider and act upon the Issuance of the Certificate of Occupancy for Starbuck's Coffeehouse at Preston Rd. and Stonebrook Parkway. (City Manager/GP)

Steve Gano, builder was present to address the Council requesting that they issue a permanent Certificate of Occupancy for Starbuck's Coffeehouse at Preston Road and Stonebrook Parkway. He stated that they had been unaware that they were required to install utilities underground. He also stated that to place an additional utility pole at the site this time would prevent Starbuck's grand opening. Mike Twitchel, design-build architecture also requested the same. Shula Netzer requested the same.

Deputy Mayor Pro-Tem Maso moved to recess into Closed Session at 7:50 p.m. for private consultation with City Attorney. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Deputy Mayor Pro-Tem Maso moved to reconvene into Open Session at 8:50 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to grant Starbuck's Coffeehouse a permanent Certificate of Occupancy subject to the developer either: 1) Establishing an escrow fund in the amount to be established by the City or, (2) Agreement to be drafted by the City Attorney and approved by the City. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

9. Public Hearing – Replat & Site Plan: Eldorado Fairways at the Trails, Phase A, Block X, Lot 5, An amenity center on one lot on 2.4+ acres at the southeast corner of Alta Vista Drive and Blue Lake Drive. Zoned Planned Development-92-Single Family. Neighborhood #44. Applicant(s): Tipton Engineering/Ironwood Design Group. (Planning Dept.)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's Commission recommendations.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to approve the replat and site plan of Eldorado Fairways at the Trails, Phase A, Block X, Lot 5. Council member West seconded the motion. Motion carried. Vote: unanimous.

10. Public Hearing: Specific Use Permit SUP2002-0004, A request for a Specific Use Permit for a Day Care on 1.6± acres on the northwest corner of North County Road and Dena Drive. Zoned Planned Development-97-Commercial-2. Neighborhood #11. Applicant(s): Sand Castle Private School. (Planning Dept.)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no present to speak for or against the request, Council member Allen moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to approve the request for a Specific Use Permit to allow for a Day Care on 1.6 acres, more or less on the northwest corner of North County Road and Dena Drive. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

11. Consider and act upon approval of a Revised Preliminary Site Plan: Cobb Business Park, Block B, Lot 1, A day care center and an office building on two lots on 3.3+ acres on the northwest corner of North County Road and Dena Drive. Zoned Planned Development-97-Commercial-2. Requested zoning is a Specific Use Permit (SUP) for a Day Care Center. Neighborhood #11. Applicant(s): Sand Castle Private School. (Planning Dept.)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning Commission's recommendations.

Following discussion, Council member Allen moved to approve a revised Preliminary Site Plan Cobb Business Park, Blk B, Lot 1 for use as a day care center and an office building on two lots on 3.3 acres on the northwest corner of North County Road and Dena Drive. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

12. Public Hearing – SUP2002-0007: A request for a Specific Use Permit for a Beer and Wine Package Establishment that derives more than 75 percent of its revenue from the sale of beer and wine on 0.1+ acre 90+ feet east of Preston Road, 30+ feet south of Warren Parkway. Zoned Commercial-1. Neighborhood #29. Applicant(s): Picket One, Ltd. (Planning Dept.)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's Commission's recommendations.

There being no one else present to speak for or against the request, Council member Allen moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Council member Allen stated the requested use was not what he had envisioned for the intersection of Preston Road and Warren Parkway. Council member Nichols stated that he agreed with Council member Allen and felt that the location should be in a more discrete location.

Following discussion, Mayor Pro-Tem Reveal moved to **deny** the request for a Specific Use Permit for an establishment that would derives more than 75% of its

revenue from the sale of beer and wine located at the intersection of Warren Parkway and Preston Road. Council member West seconded the motion. Motion carried. Voting for: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal and Council member West. Voting against the motion: Deputy Mayor Pro-Tem Maso and Council member Lafata.

13. Public Hearing: Zoning Case Z2002-0012, A request to rezone 5.8± acres on the west side of Preston Road, 500± feet north of Wade Boulevard from Commercial-2 (5.0± acres) and Industrial (0.8± acre) to Office-2. Neighborhood #23. Applicant(s): Mathesa/JC Development. (Planning Dept.)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning Commission's recommendations.

Don Soprancei, representing Mathesa, was present to speak in favor of the request.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to approve the request. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

14. Consider and act upon approval of a Concept Plan, Preliminary Site Plan & Conveyance Plat: JC Professional Center, Seven office buildings and a bank on two lots on 18.9± acres at the northwest corner of Preston Road and Wade Boulevard. Zoned Commercial-2 and Industrial. Requested zoning is Office-2 on a 5.8± acre portion of the property. Neighborhood #23. Applicant(s): Newman Development and JC Development. (Planning Dept.)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning Commission's recommendations. He reminded the Council that the ordinance rezoning the property had to be adopted.

Following discussion, Mayor Pro-Tem Reveal moved to approve the concept plan, preliminary site plan and conveyance plat subject to adoption of the zoning ordinance. Council member West seconded the motion. Motion carried. Vote: unanimous.

15. Consider and act upon approval of a Preliminary Site Plan: Tenet Hospital, A hospital and two medical office buildings on 32.1+ acres located on the southwest corner of Lebanon Road and Coit Road. Zoned Highway. Neighborhood #28. Applicant(s): Tenet Health System (Planning Dept.)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning recommendations.

Mack McCloud, President of Tenet Health System, was present to address the council and answer questions.

Following discussion, Council member Lafata moved to approve the request subject to:

Provision of cross-access to the properties to the south and west in the locations specified on the attached exhibit.

Gates for secured parking areas shall be represented on the preliminary site plan and are subject to the approval of the Planning, Engineering, and Fire Departments.

Staff approval of the Traffic Impact Analysis and compliance with the mitigation terms recommended by the Traffic Impact Analysis.

City Council stipulated that the applicant must meet with adjacent homeowner associations to review the proposed development before City action on the final site plan.

Deputy Mayor Pro-Tem Maso seconded the Motion. Voting for: Council member Nichols, Deputy Mayor Pro-Tem Maso, Mayor Pro-Tem Reveal, Council member West , and Council member Lafata. Voting against: Council member Allen. Motion carried. Vote: 5-1.

16. Consider and act upon adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, creating Article I, Section 13 (Dormant Developments) (ZA2002-0013). Tabled 6/4/02 (Planning Dept.)

Council member Allen moved to **table** the request until the July 2, 2002 Meeting. Council member West seconded the motion. Motion carried. Vote: unanimous.

17. Consider and act upon discussion and staff direction on appointment of Artist Selection Committee for Public Art. (Parks and Recreation)

The council discussed the appointment and selection of an Artist Selection Committee for Public Art. Following discussion, Deputy Mayor Pro-Tem Maso moved to name seven (7) individuals to the committee. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

The council agreed to submit names via email for consideration of appointment at a later date.

18. Consider and act upon approval of Annexation Agreements between the City of Frisco and the following individuals and adoption of a Resolution authorizing the City Manager to execute the agreements

The council discussed the annexation agreements for the individuals whose property had been considered during the involuntary annexation process. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-06-99R** therein authorizing the City Manager to sign the Annexation Agreements as they are submitted. Council member West seconded the motion. Motion carried. Vote: unanimous.

19-23 Consider and act upon adoption of ordinances annexing various properties into the City of Frisco

Deputy Mayor Pro-Tem Maso moved to not take action on annexing the properties as listed on items No. 19-23 on the agenda, at this time. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

24. Consider and act upon approval of First Amendment to an Agreement between City of Frisco and Stonebriar Creek Property Owners and approve a Resolution authorizing the City Manager to execute the Agreement. (City Manager/GP)

Council member Lafata moved to adopt **Resolution 02-06-100R** therein approving and authorizing the City Manager to execute the First Amendment to an Agreement between the City of Frisco and Stonebriar Creek Property Owners. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

25. Governance Agenda

Discussion only, no formal action was taken.

26. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Deputy Mayor Pro-Tem Maso moved to recess into Closed Session at 9:15 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Mayor Simpson announced the council was in closed session at 9:15 p.m. as authorized by:

- a) Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
- c) Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- d) Section 551.071. Consultation with the attorney for the City regarding:
legal aspects of changes to zoning and subdivision regulations;
legal aspects of zoning control;
- e) Section 551.074. Executive session to discuss duties of City Council members and to hear complaints against one or more City Council members.
- f) Section 551.074. Discussion with City Manager regarding staff performance.

The council reconvened into Regular Session at 10:25 p.m. There was no action taken as a result of the Closed Session.

26. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Discussion only, no formal action was taken

27. Discussion on Governance Monitoring of present City Council Meeting.

Deputy Mayor Pro-Tem Maso rated the overall meeting as good. Discussion only, no formal action was taken

28. Adjourn

There being no additional business, the meeting was adjourned at 10:25 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary

